



**UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC**

Issued by the Department of Transportation on **June 14, 2004**

**NOTICE OF ACTION TAKEN -- DOCKET OST-2002-12503**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

1. Application of **FLORIDA WEST INTERNATIONAL AIRLINES, INC. (Florida West)** filed **5/27/04** for:

**XX** Waiver of startup deadline in Order 2004-3-16 for U.S.-Ecuador all-cargo services

2. Application of **ATLAS AIR, INC. (Atlas Air)**, filed **5/28/04** for:

**XX** Waiver of startup deadline in Order 2004-3-16 for U.S.-Ecuador all-cargo services

**Background:**

By Order 2004-3-16, the Department, among other things: (1) granted to Florida West five available frequencies to conduct scheduled U.S.-Ecuador all-cargo air transportation services; and (2) granted to Atlas Air six available frequencies to conduct scheduled U.S.-Ecuador all-cargo air transportation services. These awards were subject to the condition that the carriers commence service with the frequencies no later than June 14, 2004. Once service was implemented, the frequencies were subject to a 90-day dormancy condition whereby the frequencies would expire and would revert automatically to the Department if they were not used for a period of 90 days.

**Applications for Waivers of the Startup Condition:**

On May 27, 2004, Florida West filed an application in the captioned docket for a waiver of the startup condition imposed by Order 2004-3-16, and asked that the startup period be extended through September 15, 2004. Florida West states that, although it has made substantial progress with its application for Ecuadorian Government authority to provide the services proposed in this matter, it will likely take an additional 90 days for the Government of Ecuador to issue the subject authority. Florida West states that it is prepared to inaugurate the proposed scheduled service to Ecuador as soon as it receives its Ecuadorian authority. (Applicant rep.: Marshall S. Sinick (202)626-6651)

On May 28, 2004, Atlas Air filed an application in the captioned docket for a waiver of the startup condition imposed by Order 2004-3-16, and asked that the startup period be extended through September 15, 2004. Atlas Air states that, although it has worked diligently to effect certain required notifications and has compiled all the documents necessary for the Ecuadorian Government authority to provide the services proposed in this matter, it anticipates that it will take several more months to receive the subject authority. Atlas Air states that it is prepared to inaugurate scheduled service to Ecuador as soon as it receives its Ecuadorian authority. (Applicant rep.: Russell E. Pommer (202)822-9121)

**Answers/Responsive Pleadings:**

No party opposed the requests of Florida West or Atlas Air in this matter.

**Disposition:**

We are granting the applications filed by Florida West and Atlas Air for waivers of the startup deadline imposed by Order 2004-3-16 in the *2002 U.S.-Ecuador All-Cargo Service Case*, and are amending the startup deadline through September 15, 2004, for frequencies allocated to Florida West and Atlas Air in this matter.<sup>1</sup>

We found that the requested waivers from the startup condition imposed on Florida West's and Atlas Air's award in Order 2004-3-16 were in the public interest in the circumstances presented; namely, that both of the carriers have indicated on the record that they are working to obtain the requisite Ecuadorian Government authority to commence services as soon as possible, and that no party has opposed their respective requests for waivers of the startup deadline.

The above action was effective when taken: **June 11, 2004.**

**XX Action taken by: Paul L. Gretch, Director  
Office of International Aviation**

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Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy, and (2) grant of the request(s) was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

An electronic version of this document is available on the World Wide Web at:  
*[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*

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<sup>1</sup> Florida West's and Atlas Air's extension of the startup deadline is effective through September 15, 2004, or until the date on which Florida West or Atlas Air begins service with each of their allocated U.S.-Ecuador frequencies, whichever occurs earlier. As to any frequency with which Florida West or Atlas Air does not begin service by September 15, 2004, the allocation with respect to that frequency will expire automatically.